

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Yoshiyuki FUKUMOTO, et al. Docket No: Q88645

Appln. No.: 10/539,373 Group Art Unit: 2627

Confirmation No.: 4607 Examiner: Allen J. HEINZ

Filed: June 16, 2005

For: MAGNETIC TUNNEL MAGNETO-RESISTANCE DEVICE AND MAGNETIC MEMORY
USING SAME

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Zongzhi ZHANG, "Annealing effect of magnetic tunnel junctions with one FeOx layer inserted at the Al₂O₃/CoFe interface", Appl. Phys. Lett., May 7, 2001, pp. 2911-2913, Vol. 78, No. 19, previously submitted in an Information Disclosure Statement filed June 16, 2005.

2. Japanese Patent Application Laid-Open Publication No. 2001-14843, published January 19, 2001.

3. U.S. Patent Application Publication No. 2002/0044396, published April 18, 2002, previously submitted in an Information Disclosure Statement filed June 16, 2005.

One copy of each of the listed documents is submitted herewith, except for the references indicated as previously submitted.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore Applicants are submitting herewith the statutory fee of \$180.00 under 37 C.F.R. § 1.17(p) via EFS payment screen to Deposit Account No. 19-4880, and a Statement Under 37 C.F.R. § 1.97(e).

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants enclose here with a copy of a corresponding Chinese Office Action dated October 12, 2007 and a Japanese translation, from which an English translation was derived, of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

/Howard L. Bernstein/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Howard L. Bernstein
Registration No. 25,665

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 2, 2008

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Yoshiyuki FUKUMOTO, et al. Docket No: Q88645

Appln. No.: 10/539,373 Group Art Unit: 2627

Confirmation No.: 4607 Examiner: Allen J. HEINZ

Filed: June 16, 2005

For: **MAGNETIC TUNNEL MAGNETO-RESISTANCE DEVICE AND MAGNETIC MEMORY
USING SAME**

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

Except as otherwise noted in the Information Disclosure Statement for items cited in an earlier Information Disclosure Statement, that the item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Howard L. Bernstein/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Howard L. Bernstein
Registration No. 25,665

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 2, 2008